**BRIEFING ON SAO TOME AND PRINCIPE FOR THE
COMMITTEE ON THE RIGHTS OF THE CHILD,
PRESESSIONAL WORKING GROUP – February 2013**

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**This briefing describes the legality of corporal punishment of children in Sao Tome and Principe. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, its previous recommendation to Sao Tome and Principe on the issue, and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will:**

* **in its List of Issues for Sao Tome and Principe, raise the issue of corporal punishment of children, in particular asking what measures have been taken towards explicitly prohibiting corporal punishment in the home and other settings?**
* **in its concluding observations on Sao Tome and Principe’s second to fourth report, recommend that legislation is enacted to explicitly prohibit corporal punishment in all settings, including the home, as a matter of urgency, and that prohibition is enforced through appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

**1 Sao Tome and Principe’s report to the Committee on the Rights of the Child**

1.1 The second to fourth state party report to the Committee on the Rights of the Child includes a section on corporal punishment but this does not give detailed information regarding the relevant law.[[1]](#footnote-1) Rather, it acknowledges that penal legislation does not provide comprehensively for abuse of children and mentions the new Law against Domestic Violence and the new Penal Code. It does not attempt to describe how these new laws relate, if at all, to the legality of corporal punishment of children.

**2 The legality of corporal punishment of children in Sao Tome and Principe**

2.1 *Summary:* In Sao Tome and Principe, corporal punishment is unlawful as a sentence for crime and possibly in schools (information unconfirmed) but it is not prohibited in the home, penal institutions and care settings.

2.2 *Home (lawful):* Article 86 of the Family Law (No. 2/77) confirms the right of parents to punish children “appropriately and moderately”. Provisions against violence and abuse in the Penal Code (1878) and the Constitution (No. 1/2003) are not interpreted as prohibiting all corporal punishment in childrearing. We have been unable to examine the full text of the Domestic Violence Law (No. 11/2008) and the Law reinforcing protection for victims of domestic violence (No. 12/2008), but to our knowledge these laws do not prohibit corporal punishment of children.

2.3 *Schools (?unlawful):* Corporal punishment is reportedly unlawful, but we have no details of applicable legislation.

2.4 *Penal system – sentence for crime (?unlawful):* The Constitution prohibits torture and other cruel, inhuman or degrading treatment or punishment. We have no details of provisions in the Law on sentencing and incarceration measures (No. 3/2003), the Penal Code, the Code of Criminal Procedure (1929) or the new Code of Criminal Procedure (No. 5/2010).

2.5 *Penal system – disciplinary measure in penal institutions (?unlawful):* There appears to be no explicit prohibition of corporal punishment.

2.6 *Alternative care (lawful):* There is no explicit prohibition of corporal punishment.

**3 Recommendations by human rights treaty bodies**

3.1 *CRC:* Following examination of the initial report in 2004, the Committee on the Rights of the Child expressed concern at the legality and practice of corporal punishment in Sao Tome and Principe and recommended it be explicitly prohibited in all settings, including the family schools and other childcare settings.[[2]](#footnote-2)

3.2 *UPR:* Sao Tome and Principe was examined in the first cycle of the Universal Periodic Review in 2011 (session 10). The Government accepted recommendations to “prohibit corporal punishment by law, protect victims and punish perpetrators” and to “enact legislation that legally prohibits corporal punishment of children in all settings, including at home and in care institutions”.[[3]](#footnote-3)

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*

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*January 2013*

1. 15 November 2011, CRC/C/STP/2-4, paras. 118-121 [↑](#footnote-ref-1)
2. 1 July 2004, CRC/C/15/Add.235, Concluding observations on initial report, paras. 33 and 34 [↑](#footnote-ref-2)
3. 16 March 2011, A/HRC/17/13, Report of the Working Group, paras. 64(49) and 64(50) [↑](#footnote-ref-3)